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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,872	09/27/2001	Edward Zheng	USP1550A- TAI	4949

7590 10/30/2003

RAYMOND Y. CHAN
1050 Oakdale Lane
Arcadia, CA 91006

EXAMINER

BROWN, PETER R

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 10/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/966,872

Applicant(s)

ZHENG, EDWARD

Examiner

Peter R. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) 16-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☒ Claim(s) 10-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tang in view of either Malis or Fischer.

Tang shows a folding chair substantially as claimed with the exception of having a cushioned support surface. Both Malis (figs. 1-4) and Fischer (fig. 4) teach the conventionality of providing a foldable occupant support structure with a cushioned support for added comfort, and in view of these suggestions, to have formed the supporting member of Tang as a cushioned support, would have been obvious to one with ordinary skill in the art.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tang, Malis and Fischer as applied to claim 1 above, and further in view of Haberkorn.

The use of an elongated tape for securing the ends of quilted or cushioned members is shown to be old and well known in the art by Haberkorn (fig. 4), and to have utilized such for the ends of the support of Tang, as modified above, would have been an obvious modification to one with ordinary skill in the art.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claims 1 and 2 above, and further in view of Aoki et al.

Figures 1-4 teach the formation of a cushioned support member for a seat wherein the layers are bonded together, and in view of this suggestion, to have bonded the layers of the support member of Tang, as modified above, for purposes of durability, would have been obvious to one with ordinary skill in the art.

Claims 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to the claims above, and further in view of Goodman et al.

To have provided the seat support of Tang, as modified above, with an additional layer, for added strength, support and comfort, would have been an obvious modification to one with ordinary skill in the art, as such is shown to be conventional and old in the art as shown by Goodman et al (Figs. 2,3).

The provision of partitions in cushioned support member is old and well known in the art as shown by Malis, and whether tape is utilized for such is considered a matter of design choice and obvious mechanical expediency.

Claims 10-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant's arguments filed August 26, 2003 have been fully considered but they are not persuasive.

Contrary to applicant's arguments, it is the examiner's contention that the prior art taken as a whole does indeed suggest the combination as set forth above. In particular, the use of cushioning on a foldable support structure is clearly taught by both Malis and Fischer, and to have applied such a suggestion to any type of folding support for the purpose of increasing occupant comfort, including the folding chair of Tang, is considered to be well within the level of skill in the art. While it is agreed that the disclosures of Malis and Fischer do not teach the mounting of the cushioned support to a back frame and the front upper frame joints, it should be noted that such is immaterial to the combination, as one of skill in the art would have utilized the existing fabric support of Tang, which is mounted in such a manner, and simply provided cushioning thereon. The use of elongated tape, partitions, and bonding, is old and well known in such cushioned support surfaces, as demonstrated by the prior art, and such features are not considered to be patentable distinctions.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory

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action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter R. Brown whose telephone number is 703-308-2103.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



Peter R. Brown
Primary Examiner
Art Unit 3636

prb
October 29, 2003